

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2459 - SB 2362**

March 2, 2022

**SUMMARY OF BILL:** Prohibits a person from knowingly photographing or causing to be photographed another person without the prior consent of the person photographed, or the consent of the person's legal parent or guardian if the photograph:

- Includes the unclothed intimate area of the individual and would be considered offensive or embarrassing by the individual;
- Was taken for the purpose of offending, intimidating, embarrassing, ridiculing, or harassing the victim; and
- Was disseminated by the defendant, the defendant threatened to disseminate the photograph, or the defendant permitted the dissemination of the photograph, to another person.

Creates a Class B misdemeanor for a first violation of the prohibitions. Creates a Class A misdemeanor for a second or subsequent violation.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-605(a), it is an offense for a person to knowingly photograph, or cause to be photographed, an individual without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian, if the photograph:
  - Would offend or embarrass an ordinary person if the person appeared in the photograph; or
  - Is focused on the intimate area of the individual and would be considered offensive or embarrassing by the individual; and
  - Was taken for the purpose of sexual arousal or gratification of the defendant.
- An offense of the existing statute is a Class A misdemeanor.
- It is assumed that a large majority of violations of the proposed prohibitions are currently subject to prosecution under the existing statutes with stronger penalties, and that the proposed legislation will not result in a significant increase in convictions; therefore, any increase in state or local expenditures related to incarcerations is estimated to be not significant.

**HB 2459 - SB 2362**

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jj